

ENTERED

November 07, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SHIRA KOHN, on behalf of herself
and all others similarly situated,

§
§ Judge Lee H. Rosenthal

versus

§ Civil Action. 4:23-cv-03035

LOREN D. STARK COMPANY, INC.

§
§
§

ANDRES VIVAS, on behalf of himself
and all others similarly situated,

§
§ Judge Alfred H. Bennett

versus

§ Civil Action. 4:23-cv-03643

LOREN D. STARK COMPANY, INC.

§
§
§

**ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION TO CONSOLIDATE
ACTIONS AND SET SCHEDULING DEADLINES**

This matter is before the Court on the joint Motion of Plaintiffs in the above captioned actions to consolidate the actions, set scheduling deadlines, and permit the filing of a single consolidated complaint.

Having reviewed the Motion, the Memorandum in Support, and the complaints in the actions and having found that the cases involve some of the same issues of fact and law, grow out of the same alleged data breach involving Defendant Loren D. Stark Company, Inc., have many of the same claims, and have proposed class definitions that will encompass the same persons, this Court finds that the cases have sufficient commonality of issues and parties to warrant consolidating the cases. This Court further finds that the benefits of consolidation are not

outweighed by any risk of prejudice or jury confusion. The effect of such consolidation will be judicial economy and preserving the Parties' resources, as well as avoiding disparate rulings in separate actions.

Accordingly, because this Court finds that the Related Actions have sufficient commonality of law and fact and does not increase the risk of an unfair outcome, the Motion is GRANTED. As such, the Court ORDERS the following:

The above-captioned actions shall be CONSOLIDATED for all purposes into the *Kohn* action, which is the lowest numbered case. All future pleadings, motions, briefs, and other papers shall be filed in the *Kohn* action, No. 4:23-cv-03035 which shall hereinafter be a Consolidated Action. The Clerk is DIRECTED to close the *Vivas* action. The Court further orders that:

- a) Each new case that arises out of the subject matter of the Consolidated Action which is filed in this Court or transferred to this Court, shall be consolidated with the Consolidated Action and this Order shall apply thereto, unless a party objects to consolidation, as provided for herein, or any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, by filing an application for relief and this Court deems it appropriate to grant such application. Nothing in the forgoing shall be construed as a waiver of Defendant's right to object to consolidation of any subsequently-filed or transferred related action;
- b) Plaintiffs consolidated class action complaint shall be filed within 30 days after appointment of interim counsel; and

- c) Defendant shall file a responsive pleading to the consolidated class action complaint within 60 days of the filing of the consolidated class action complaint, Plaintiffs have 30 days to file a response to any motion to dismiss, and Defendant has 30 days to file its reply in support of any motion to dismiss the consolidated class action complaint;
- d) All applications for interim class counsel under Fed. R. Evid. 23(g)(3) shall be filed within 14 days of the date of the order granting consolidation of the Related Actions; and
- e) An in-person hearing on any competing applications for interim class counsel under Fed. R. Civ. P.(g)(3) shall be conducted after the applications are filed and shall be scheduled at the Court's convenience.

November 07, 2023

Date



The Honorable Lee H. Rosenthal
United States District Judge